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FILED

NO. CR51328

2018 SEP 17 AM 11:07

STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
VS.	§	MIDLAND COUNTY, TEXAS
	§	
SEBASTIAN ZAPATA	§	385 <sup>th</sup> JUDICIAL DISTRICT

ALEX ARCHULETA  
DISTRICT CLERK  
MIDLAND COUNTY, TEXAS  
BY \_\_\_\_\_ DEPUTY

DEFENDANT'S FIRST MOTION IN LIMINE - PRIOR CONVICTIONS

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW the Defendant, SEBASTIAN ZAPATA, in the above entitled and numbered cause, by and through his attorney of record, Thomas S. Morgan, and before jury selection commences and moves the Court in limine to instruct counsel for the State of Texas, and all witnesses for the State of Texas, not to mention, refer to, interrogate concerning, or bring to the attention of the jury or the venire in any manner, directly or indirectly, evidence that the Defendant has convicted of any prior offense, either misdemeanor or felony, other than the offense specifically alleged in the indictment in this cause, without first giving the Defendant opportunity to perfect her objections to such evidence. Specifically, the Defendant moves that the State be instructed to inform counsel for the Defendant, outside the hearing of the jury, that the State intends to introduce such evidence so that the Defendant may present her objections to such evidence outside the hearing of the jury.

As reason for such motion the Defendant would show the Court that evidence may exist that the Defendant has committed offenses other than that alleged in the complaint herein. The fact of such offense, if it is a fact, is wholly irrelevant to any issue in this cause, and if admitted before the jury would be grossly prejudicial as not to be curable by instruction, and would necessitate a mistrial.

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SEP 17 2018  
DISTRICT ATTORNEY

Respectfully submitted,

Thomas S. Morgan  
Attorney At Law  
1902 W. Illinois  
Midland, Texas 79701  
Tel: (432) 683-2703  
Fax: (432) 684-7314  
Attorney for Defendant

By: Thomas S. Morgan  
Thomas S. Morgan  
State Bar No. 14452500

CERTIFICATE OF SERVICE

I, Thomas S. Morgan, hereby certify that on the 17 day of September, 2018, a true and correct copy of the foregoing Defendant's First Motion In Limine - Prior Convictions was hand delivered to the Midland District Attorney, Midland County Courthouse.

Thomas S. Morgan  
Thomas S. Morgan

NO. CR51328

STATE OF TEXAS

VS.

SEBASTIAN ZAPATA

§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

MIDLAND COUNTY, TEXAS

385<sup>th</sup> JUDICIAL DISTRICT

ORDER ON DEFENDANT'S FIRST MOTION IN LIMINE - PRIOR CONVICTIONS

After considering the foregoing Defendant's First Motion In Limine - Prior Convictions, including evidence and argument of counsel, the Court finds that the Motion should, in all things, be granted.

IT IS THEREFORE ORDERED that the Defendant's First Motion In Limine - Prior Convictions be and is hereby GRANTED.

SIGNED ther the \_\_\_\_ day of \_\_\_\_\_, 2018.

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JUDGE PRESIDING

LH

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ALEX ARCHULETA  
DISTRICT CLERK  
MIDLAND COUNTY, TEXAS  
BY [Signature] DEPUTY

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STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
VS.	§	MIDLAND COUNTY, TEXAS
	§	
SEBASTIAN ZAPATA	§	385 <sup>th</sup> JUDICIAL DISTRICT

DEFENDANT'S SECOND MOTION IN LIMINE - EXTRANEIOUS OFFENSES

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW the Defendant, SEBASTIAN ZAPATA, in the above entitled and numbered cause, by and through her attorney of record, Thomas S. Morgan, and before jury selection commences and moves the Court in limine to instruct counsel for the State of Texas, and all witnesses for the State of Texas, not to mention, refer to, interrogate concerning, or bring to the attention of the jury or the venire in any manner, directly or indirectly, evidence of an extraneous offense on the part of Defendant, without first giving the Defendant opportunity to perfect her objections to such evidence. Specifically, the Defendant moves that the State be instructed to inform counsel for the Defendant, outside the hearing of the jury, that the State intends to introduce such evidence so that the Defendant may present her objections to such evidence outside the hearing of the jury.

As reason for such motion the Defendant would show the Court that at some point in the trial, the State may attempt to adduce evidence that the Defendant is guilty of an offense other than the offense on trial. The fact of such offense, if it is a fact, is wholly irrelevant to any issue in ther cause, and if admitted before the jury would be grossly prejudicial as not to be curable by

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DISTRICT ATTORNEY



instruction, and would necessitate a mistrial.

Respectfully submitted,

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1902 W. Illinois  
Midland, Texas 79701  
Tel: (432) 683-2703  
Fax: (432) 684-7314  
Attorney for Defendant

By: Thomas S. Morgan  
Thomas S. Morgan  
State Bar No. 14452500

CERTIFICATE OF SERVICE

I, Thomas S. Morgan, hereby certify that on the 17 day of September, 2018, a true and correct copy of the foregoing Defendant's Second Motion In Limine - Extraneous Offenses was hand delivered to the Midland District Attorney, Midland County Courthouse.

Thomas S. Morgan  
Thomas S. Morgan

NO. CR51328

STATE OF TEXAS

VS.

SEBASTIAN ZAPATA

§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

MIDLAND COUNTY, TEXAS

385<sup>th</sup> JUDICIAL DISTRICT

ORDER ON DEFENDANT'S SECOND MOTION IN LIMINE - EXTRANEIOUS OFFENSES

After considering the foregoing Defendant's Second Motion In Limine - Extraneous Offenses, including evidence and argument of counsel, the Court finds that the Motion should, in all things, be granted.

IT IS THEREFORE ORDERED that the Defendant's Second Motion In Limine - Extraneous Offenses be and is hereby GRANTED.

SIGNED the \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
JUDGE PRESIDING

LH

FILED

2018 SEP 17 AM 11:08

NO. CR51328

ALEX ARCHULETA  
DISTRICT CLERK  
MIDLAND COUNTY, TEXAS  
BY \_\_\_\_\_ DEPUTY

STATE OF TEXAS

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§

IN THE DISTRICT COURT OF

VS.

MIDLAND COUNTY, TEXAS

SEBASTIAN ZAPATA

385<sup>th</sup> JUDICIAL DISTRICT

DEFENDANT'S THIRD MOTION IN LIMINE -POLYGRAPH EXAM

**TO THE HONORABLE JUDGE OF SAID COURT:**

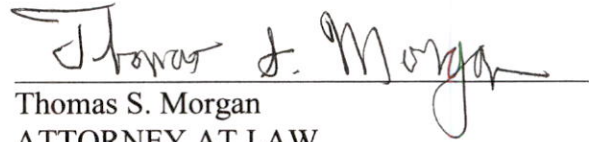
COMES NOW the Defendant, SEBASTIAN ZAPATA, in the above entitled and numbered cause, by and through her attorney of record, Thomas S. Morgan, and before jury selection commences and moves the Court in limine to instruct counsel for the State of Texas, and all witnesses for the State of Texas, not to mention, refer to, interrogate concerning, or bring to the attention of the jury or the venire in any manner, directly or indirectly, evidence of the opinion testimony that witnesses believe sexual assault occurred, without first giving the Defendant opportunity to perfect her objections to such evidence. Specifically, the Defendant moves that the State be instructed to inform counsel for the Defendant, outside the hearing of the jury, that the State intends to introduce such evidence so that the Defendant may present her objections to such evidence outside the hearing of the jury.

As reason for such motion the Defendant would show the Court that at some point in the trial, the State may attempt to adduce evidence that the Defendant is guilty of an offense other than the offense on trial. The fact of such offense, if it is a fact, is wholly irrelevant to any issue in ther cause, and if admitted before the jury would be grossly prejudicial as not to be curable by

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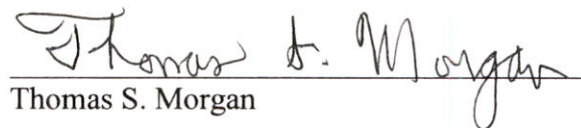
instruction, and would necessitate a mistrial.



Thomas S. Morgan  
ATTORNEY AT LAW  
1902 W. Illinois  
MIDLAND, TEXAS 79701  
(432) 683-2703  
(432) 684-7314 FAX NUMBER  
STATE BAR I.D. NO. 14452500  
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I, Thomas S. Morgan, hereby certify that on the 17 day of September, 2018, a true and correct copy of the foregoing Defendant's Third Motion In Limine - Polygraph Exam was hand delivered to the Midland District Attorney, Midland County Courthouse.



Thomas S. Morgan



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STATE OF TEXAS	§	IN THE DISTRICT COURT OF
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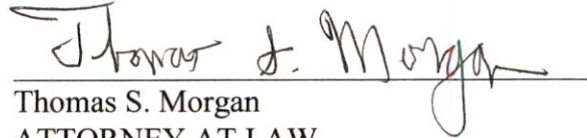
DEFENDANT'S THIRD MOTION IN LIMINE -POLYGRAPH EXAM

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW the Defendant, SEBASTIAN ZAPATA, in the above entitled and numbered cause, by and through her attorney of record, Thomas S. Morgan, and before jury selection commences and moves the Court in limine to instruct counsel for the State of Texas, and all witnesses for the State of Texas, not to mention, refer to, interrogate concerning, or bring to the attention of the jury or the venire in any manner, directly or indirectly, evidence of the opinion testimony that witnesses believe sexual assault occurred, without first giving the Defendant opportunity to perfect her objections to such evidence. Specifically, the Defendant moves that the State be instructed to inform counsel for the Defendant, outside the hearing of the jury, that the State intends to introduce such evidence so that the Defendant may present her objections to such evidence outside the hearing of the jury.

As reason for such motion the Defendant would show the Court that at some point in the trial, the State may attempt to adduce evidence that the Defendant is guilty of an offense other than the offense on trial. The fact of such offense, if it is a fact, is wholly irrelevant to any issue in ther cause, and if admitted before the jury would be grossly prejudicial as not to be curable by

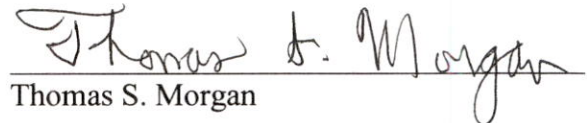
instruction, and would necessitate a mistrial.



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(432) 684-7314 FAX NUMBER  
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ATTORNEY FOR DEFENDANT

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Thomas S. Morgan